

NATIONAL CAPITAL PLANNING COMMISSION

1325 G STREET NW.
WASHINGTON, D.C. 20576

COMMISSION MEETING
Thursday, January 7, 1981

CONSENT CALENDAR*

Open Session

Agenda No.	File No.	Item
3A	MP35	Anacostia River Stream Valley Park, Unit No. 1, Prince George's County, Maryland - Revised General Development Plan (Commission action requested: approval pursuant to Capper-Cramton Act) Presentation.....L.C. Todman
3B	1776	Dulles Access Road Extension, Fairfax County, Virginia - Magarity Road to Springhill Road (Commission action requested: approval of final plans pursuant to Section 5 of the National Capital Planning Act of 1952, as amended) Presentation.....R.W. Harris
3C	2053	The Maine Lobsterman Memorial, Maine Avenue, S.W. (Park No. 5, Southwest Urban Renewal Area, Project C) (Commission action requested: approval of site, design and plans pursuant to P.L. 96-337) Presentation.....D.L. Hamilton
3D	2168	Fort Myer, Arlington County, Virginia - Alterations to Enlisted Barracks (Buildings Nos. 246, 247, 248 & 251) (Commission action requested: approval of preliminary site and building plans pursuant to Section 5 of the National Capital Planning Act of 1952, as amended) Presentation.....G.V. Evans

* Agenda items for which the Commission will be asked to approve the Executive Director's Recommendations without presentation or discussion. Any agenda item on the "Consent Calendar" to which objection is made to the approval of the Executive Director's Recommendation by any member of the Commission will be removed from the "Consent Calendar" and presented as an information item at the session on January 7 and as an action item at the session on January 21 (except an item for which statutory or other deadlines require Commission action at the session on January 7).

<u>Agenda</u> <u>No.</u>	<u>File</u> <u>No.</u>	<u>Item</u>
3E	Z.C. 81-3	Envoy Towers, 2400 16th Street, N.W. - application for rezoning from C-M-2 to R-5-C, lot 935 in Square 2571 (Commission action requested: report to Zoning Commission pursuant to D.C. Code, sec. 5-417) Presentation.....R.B. Westbrook

82-2891

NATIONAL CAPITAL PLANNING COMMISSION
WASHINGTON, D.C. 20575

82-13335

N/C
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In Reply Refer To:
NCPC File No. 0604

December 3, 1982

M E M O R A N D U M

TO: Federal Agencies and Departments Responsible for the Preparation of Proposed Policies, Plans or Programs for Facilities in the National Capital Region

FROM: Helen M. Scharf *Helen M. Scharf*
Chairman

SUBJECT: Commission and COG Endorsement of "Principles and Process for Identifying Federal Interests in the National Capital Region" and Its Impact on Federal Agency Planning in the Washington Metropolitan Area

Enclosed for your information and use is a copy of the COG/NCPC Ad Hoc Committee report recently endorsed by the Commission and the Board of Directors of the Metropolitan Washington Council of Governments (COG). This report was the result of several meetings of a committee composed of Commission members - including three Federal agency representatives - and representatives of COG's local government members.

Your attention is directed to Sections IV, "Principles for Identifying Federal Interests in Development Planning and Programming in the National Capital Region" on page 3, and V, "Process for Implementing the Principles", on page 5. The overall objective of these principles and the process is to improve intergovernmental communication and cooperation in planning and development matters in the Washington Metropolitan area. Many of the items in these two sections reaffirm current intergovernmental consultation activities of the Commission and other Federal agencies. Others involve some changes intended to improve this consultation.

We urge your agency's support and cooperation in the efforts of the Commission, as the central Federal planning agency in the Region, to implement these principles and process.

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One of the principal concerns of local government representatives in the Maryland and Virginia portions of the Region has been what they considered to be the limited amount of time for their review and comment on proposed Federal policies, plans and programs affecting their jurisdictions. Usually the Commission has been able to give only 30 days for intergovernmental review and comment. The Ad Hoc Committee, therefore, recommended that "Federal agencies be requested to give NCPC at least 90 days and NCPC, to the extent permitted by law, give COG and local governments at least 60 days, for review and comment on proposed Federal policies, plans and programs circulated for review and comment."

We are, therefore, on behalf of the Commission requesting that, beginning February 1, 1983, all Federal agencies and departments submitting proposals for the Maryland and Virginia portions of the National Capital Region that require referral for intergovernmental review give the Commission 90 days (an additional 30 days over the current review period) to complete its review and action thereon. This will enable the Commission to give COG and the affected local governments at least 60 days for their review and comment. Your concurrence in this request will significantly aid in improving intergovernmental cooperation in this Region. It will also benefit your own agency's relations with local governments in the Washington metropolitan area.

If you have any questions about this request or about the principles and process outlined in the enclosed report, please contact our Executive Director, Reginald W. Griffith (202) 724-0176.

We are also enclosing for your information copies of the resolutions adopted unanimously by the Commission and the COG Board on the Ad Hoc Committee report and on the procedure for resolving future planning issues that may arise between local and Federal agencies in the Region. Your cooperation in implementing these procedures when necessary would be greatly appreciated.

We look forward to working with you in the implementation of the Ad Hoc Committee's recommendations and the related procedures.

**PRINCIPLES AND PROCESS
FOR
IDENTIFYING FEDERAL INTERESTS
IN THE
NATIONAL CAPITAL REGION**

Prepared by

**Ad Hoc Committee on Federal Planning & Development
in the Washington Metropolitan Area**

August 17, 1982

IN THE WASHINGTON METROPOLITAN AREA

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I. INTRODUCTION

On February 11, 1981, the Board of Directors of the Metropolitan Washington Council of Governments adopted a resolution authorizing the creation of an Ad Hoc Committee of interested local government members of COG, representatives from the executive branches of the States of Maryland and Virginia and representatives of the National Capital Planning Commission. The purpose of the Ad Hoc Committee was to define the "federal interests" in planning for the future development of the Washington Metropolitan Area and other local interests in the region. The findings and conclusions of the Ad Hoc Committee were to be transmitted to the Board of Directors and to the Commission for further consideration.

The Ad Hoc Committee also reviewed the Commission's role and functions in the region and the relationships that exist or should exist among NCPC, COG and the local governments in the region. It generally agreed to a set of "Principles for Identifying Federal Interests in the Region" and a process for implementing the principles. These principles and the process should provide a framework for resolving Federal/local development issues in the future.

It is hoped that the Board of Directors of COG and the National Capital Planning Commission will endorse these recommendations.

II. LEGAL BASE

The principle source of NCPC's authority and functions in Washington, D.C. and the region is the National Capital Planning Act of 1952, as amended. The Commission, under this legislation, has a special responsibility for Federal planning in the District of Columbia and the region. In addition, a number of other Federal statutes and Executive Orders specifically apply to NCPC and they are contained in the attached Appendix. The Commission's major functions include: (1) preparation, adoption, and modification of Federal elements of the Comprehensive Plan for the National Capital; (2) preparation of an annual five-year Federal Capital Improvements Program for the National Capital Region; (3) review of proposed policies, plans, and programs initiated by Federal agencies and departments for the Region; and (4) representation of Federal interests in the future growth and development of the Washington Metropolitan Area.

There are numerous Federal laws, an interstate compact and a Presidential Reorganization Plan that, to a significant degree, govern the developmental decision-making of Federal, State, regional and local entities in the region. Under several of these Federal laws -- Clean Air and Water Acts, Federal-Aid Highway and Urban Mass Transportation Acts -- COG, or one of its affiliated policy units, have been designated by the States and Federal agencies to be the central, regional decision-making unit to carry out these Federal mandates. Further, COG, its local governments and NCPC follow the national policy in Title V of the Intergovernmental Cooperation Act of 1968 requiring the Federal establishment to follow, in this region as elsewhere in the country, "to the extent practicable," state, regional and local land use policies and planning in acquiring and utilizing land and developing facilities. Relevant excerpts from these laws and other Federal policy documents also are reflected in the Appendix.

III. PREAMBLE

The purpose of this document is to restate and clarify the general policies under which NCPC, COG and the local governments in the region will coordinate their planning and developmental activities in the Washington Metropolitan Area. It recognizes that the general policy for federal planning activities in the National Capital Region is stated in the National Capital Planning Act of 1952 as amended and Title V of the Intergovernmental Cooperation Act of 1968; which provides that, to the maximum extent practicable, federal development goals, policies, plans and programs should be consistent with state, regional, subregional and local goals, policies, plans and programs. This document establishes principles and guidelines which will provide the framework for NCPC, COG and local governments to coordinate their planning responsibilities within the area.

Although this document does not provide an all-encompassing and specific definition of the "Federal Interest," it establishes general principles on federal interests in the development and decisionmaking process in the region. The document recognizes that NCPC will follow regional goals and objectives in the Metropolitan Policy Guide unless it specifically finds any policy or provision in the Guide contrary to federal concerns in the region.

IV. PRINCIPLES FOR IDENTIFYING FEDERAL INTERESTS IN DEVELOPMENT PLANNING AND PROGRAMMING IN THE NATIONAL CAPITAL REGION

After extensive debate, the Ad Hoc Committee agreed that a definitive and all encompassing definition of the "federal interest" for developmental planning and programming principles for use within the region was not practicable. But, at the same time, it was concluded that the term should not be wholly a subjective invention. Nor should its definition be limited to piecemeal responses to the exigencies of a given situation. It was agreed, therefore, to establish a set of principles for determining the parameters of the term for use within the region's development processes. The principles are derived, in the main, from various legislation and policies delineated in Section II, Legal Base, and the Ad Hoc Committee's translation of these organic documents to application within the region.

In recognition of the mutuality of interests among the various levels of government in the region, and the need for close cooperation and coordinated policies for the planning of Federal, state, local and regional developments in the region, the Committee has agreed to recommend that the Commission and COG agree to the following principles on identifying "federal interests" in the development and decision-making processes for the region:

1. NCPC is the central planning agency for the Federal Government in the National Capital Region, pursuant to the National Capital Planning Act of 1952, as amended, and under the Act and Federal regulations, has been assigned the responsibility to review developmental, planning and implementation proposals in the region that impact on the Federal establishment..
2. The Commission represents the Federal establishment in the regional planning and development activities within the National Capital Region, pursuant to the Planning Act and Reorganization Plan No. 5 of 1966.
3. The Commission is charged, under the National Capital Planning Act of 1952, as amended, with the preparation, adoption and modification of Federal elements of the Comprehensive Plan for the National Capital.

Such elements are advisory except as otherwise provided by law. Such elements deal with matters of federal concern with federal lands in the region. The Commission does not prepare land use plans for non-federal lands in the region as part of the Comprehensive Plan or otherwise.

4. The Metropolitan Policy Guide is the official statement of COG's general policies for attaining regional goals and objectives. The Commission will follow the Guide in conducting its comprehensive planning for the federal government in the region unless it specifically finds any policy or provision in the guide is contrary to federal concerns in the region.
5. Except for the Commission's special role in Federal planning and development in the region, the Government of the District of Columbia and the local governments in the region have the authority to determine land uses, development standards and controls over non-Federal land within their jurisdictions. The federal government and the Commission -- as the planning representative of the Federal government in this region -- have the same privileges under local law that is accorded to other property owners, to make comments and suggestions to local planning agencies and local governing bodies in instances where there are proposed changes on land adjacent to or in the immediate vicinity of Federally-owned property that might directly, or indirectly, affect its future use. The Commission's comments and recommendations to local planning agencies and local governing bodies are advisory only.
6. The major cities and counties in the region have formed the Metropolitan Washington Council of Governments (COG), as a multijurisdictional, interstate, multipurpose regional planning agency, and by their joint action COG has become their regional development and planning mechanism on regional development issues, including the fulfillment of federal legislative mandates or provisions for regional transportation, water quality, air quality and areawide housing planning.

7. The Commission and COG follow the Intergovernmental Cooperation Act of 1968 and the policy in Title V of the Act, that Federal goals, policies, plans and programs for the region, to the maximum extent practicable, should be consistent with official local, state, subregional and regional goals, policies, plans and programs for the Washington Metropolitan Area. In addition, to the degree permitted by law, the Commission will require federal agencies and departments also to support and follow Title V, to the maximum extent practicable, in their own planning and programming activities in the region.
8. Unless exempted by law, the Commission, federal agencies and departments operating in the region shall adhere to state, regional and local policies, plans and regulations established under national environmental goals and standards.
9. The Commission is responsible for coordinating the planning and development activities of the many different agencies of the federal government in the region and, as part of that coordination, it seeks their participation in preparing federal policies, plans and programs, and their cooperation in the implementation of adopted federal, as well as compatible state, regional and local policies, plans and programs for the Washington Metropolitan Area.
10. The "Principles for Identifying Federal Interests in the Region" contained herein and the process for implementing the principles will be followed by COG and the Commission.

Finally, it is agreed that, upon ratification of these principles and coordinating procedures in this report, COG and NCPC will have affirmed their intent to apply these principles and procedures in making development decisions or recommendations.

V. PROCESS FOR IMPLEMENTING THE PRINCIPLES

To implement the above principles, the following procedures will be used by NCPC and COG subject to local applicability. These procedures are included as suggested guidelines which

may be modified or deviated from in order to accommodate local needs.

A. Copies of proposed planning and development policies, plans and programs will be forwarded to each other for review and possible comment at the earliest possible time.

1. Under existing review procedures, NCPC will notify COG and the affected local planning agencies and forward copies of:

a. Proposed federal elements of the Comprehensive Plan for the National Capital;

b. Proposed Federal Capital Improvements Program for the National Capital Region;

c. Proposed agency regional (or system) plans and major modifications;

d. Installation master plans and major modifications;

e. U.S. Postal Service projects in the region; and

f. Other projects/plans proposed on sites outside of major installations in the region.

COG will, in turn, coordinate review of these plans with local A-95 officials as well as carry out its own review of the regional impact of these federal proposals.

2. COG will notify NCPC and forward copies of:

a. Areawide functional policies, plans, and programs including, but not limited to, land use, housing, transportation, air quality, water resources, employment, energy, and economic development.

b. Regional growth and development policies for the Washington Metropolitan Area.

c. Proposed plans or policies for action to be taken by COG which may otherwise affect federal activities and/or federal interests in the planning and development of the National Capital Region.

3. COG's voluntary local plan review procedure established by the COG Board in 1978, will be expanded to ensure that local governments will notify COG and NCPC, and forward to both organizations copies of:

a. Proposed comprehensive or general plans and major modifications thereto;

b. Proposed area, sector or small area plans and major modifications thereto;

c. Proposed Capital Improvements Program.

COG and NCPC will, coordinate their reviews of these plans--NCPC, with other federal agencies, and COG with other local governments. In the event any participating local government in COG decides not to participate in the voluntary plan review procedure, COG will inform NCPC of the action and NCPC will directly review the products of such local governments.

B. Within the general format of A above, COG and NCPC will coordinate with other regional and sub-regional planning and development agencies such as the Northern Virginia Planning District Commission (NVPDC), Maryland-National Capital Park and Planning Commission (MNCPPC) and the Washington Metropolitan Area Transit Authority (WMATA).

- C. The existing intergovernmental referral and review process will be expanded to notify Chief Administrative Officers of affected local jurisdictions and appropriate local-elected officials about proposed Federal developments in their jurisdictions or election district.
- D. NCPC's "early consultation" portion of that referral process also will include the Chief Administrative Officers and the local elected officials in the jurisdiction, in addition to COG representatives.
- E. Briefings and discussions, as requested, will be provided between interested and affected local and Federal agencies, including local-elected officials, in order to keep all concerned parties informed about proposed policies, plans, and programs.
- F. Federal agencies will be requested to give NCPC at least 90 days and NCPC will, to the extent permitted by law, give COG and local governments at least 60 days, for review and comment on proposed federal policies, plans and programs circulated for review and comment.
- G. With the assistance of local jurisdictions NCPC will notify affected citizen groups as early as possible as part of the referral process about proposed federal policies, plans, and programs that may affect their areas of interest.
- H. NCPC and COG will attempt to resolve planning issues or difficulties that may arise between local agencies and federal agencies that have initiated some proposed policy, plan or program in the region.
- I. As needed, NCPC and COG will cosponsor joint meetings of COG and NCPC members and other appropriate officials to discuss current issues and problems and to get better acquainted.

Statutes and Federal Policy Documents

- A - National Capital Planning Act of 1952, as amended.
- B - Washington Metropolitan Region Development Act of 1960, D.C. Code, Title 1, §1-2101-1-2105.
- C - Federal-Aid Highway Act of 1962, 23 USCS §134.
- D - Urban Mass Transportation Act of 1964, P.L. 88-365, §8.
- E - Presidential Reorganization Plan No. 5, 1966.
- F - Demonstration Cities and Metropolitan Development Act of 1966, P.L. 89-754, §204.
- G - Intergovernmental Cooperation Act of 1968, P.L. 90-577, Title IV and V.
- H - Clean Air Act Amendments of 1970, P.L. 91-604, §118.
- I - Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, §208.
- J - District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198, §203 (1973).
- K - Clean Air Act Amendments of 1977, P.L. 95-95, §172-176.
- L - Clean Water Act of 1977, P.L. 95-217, §313.
- M - Municipal Wastewater Treatment Construction Grant Amendments of 1981, P.L. 97-117, §205(j).